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FM AMEMBASSY JAKARTA
TO RUEHC/SECSTATE WASHDC IMMEDIATE 0995
INFO RUEHZS/ASSOCIATION OF SOUTHEAST ASIAN NATIONS PRIORITY
RUEHGV/USMISSION GENEVA PRIORITY 7849
RUEHBY/AMEMBASSY CANBERRA 3419
RUEHLM/AMEMBASSY COLOMBO 1513
RUEHKA/AMEMBASSY DHAKA 1500
RUEHNE/AMEMBASSY NEW DELHI 2522
RUEHKO/AMEMBASSY TOKYO 2862
RUEHWL/AMEMBASSY WELLINGTON 3343
RUEHHK/AMCONSUL HONG KONG 3172
RUEHPT/AMCONSUL PERTH 1346
RHMFIUU/BUMED WASHINGTON DC
RHHJJPI/USPACOM HONOLULU HI
RHHJJPI/PACOM IDHS HONOLULU HI
RUEKJCS/SECDEF WASHDC
RUENAAA/SECNAV WASHDC
RUEAWJB/DEPT OF JUSTICE WASHDC
RULSAAV/NAVMEEDRSCHCEN SILVER SPRING MD
RHEHNSC/NSC WASHDC
RUEAIIA/CIA WASHDC
RHEFDIA/DIA WASHINGTON DC

UNCLAS JAKARTA 002275

SENSITIVE
SIPDIS

DEPT FOR P, EAP, EAP/MTS, EAP/MLS, EAP/RSP, G/AIAG,
OES/IHA, L, L/DL FOR DICKERSON
USAID FOR ANE/CLEMENTS AND GH/CARROLL
DEPT PASS TO HHS/WSTEIGER/ABHAT/MSTLOUIS AND HHS/NIH
DEPT PASS TO USDA/FAS/OSTA BRANT, ROSENBLUM
DOJ FOR OFL/HOLLIS
DOJ FOR OFL/HERRUP
GENEVA FOR WHO/HOHMAN
NSC FOR E.PHU
SECDEF FOR USDP/ISA/APSA D.WALTON

E.O. 12958: N/A

TAGS: [PGOV](#) [TBIO](#) [KFLU](#) [KLIG](#) [ID](#)

SUBJECT: AVIAN INFLUENZA LAWSUIT AGAINST USG: CASE DISMISSED

REF: JAKARTA 1968 AND PREVIOUS

1. (SBU) This message is Sensitive but Unclassified --
Please handle accordingly.

2. (SBU) SUMMARY: The avian influenza-related lawsuit
against the USG and World Health Organization (WHO) has been
dismissed. The Central Jakarta District Court cited the
plaintiff's lack of seriousness and refusal to pay
administrative court fees as the reasons for its decision.
This is a welcome outcome that removes a potentially serious
irritant to our bilateral relationship. END SUMMARY.

3. (SBU) CASE DISMISSED: On December 15, Mission received a
copy of the Central Jakarta District Court's decision to
remove the lawsuit against the USG and the WHO from the
court's register of cases. The court acted on the grounds of
lack of "seriousness" by the plaintiff and the plaintiff's
refusal to pay for administrative court fees.

4. (SBU) On the latter point, the attorneys for the
plaintiff were notified on July 21 and September 9 that the
plaintiff must deposit additional funds in a court account to
cover administrative fees. On November 6, the court notified
the plaintiff that if additional funds were not forthcoming,
the case would be dismissed after 30 days. In the decision,
the Chief Judge determined that because the plaintiff was
unwilling to deposit additional funds to cover court costs,
the plaintiff was not interested in pursuing the case further.

¶5. (SBU) DISCREPANCY IN DECISION DATE: There is some question about the date of dismissal. According to the decision, the case was removed from the register on November 7, 2008. The discrepancy between the date of the decision and the date in December when the decision was mailed to Mission is likely due to internal court processing, as is often the case with Indonesian courts.

¶6. (SBU) NO MEDIA ATTENTION: There was no press coverage of the court proceedings or of the dismissal.

¶7. (SBU) A WELCOME OUTCOME: This is a welcome outcome that removes a potentially serious irritant to our bilateral relationship. Mission would like to thank the Department of Justice Office of Foreign Litigation for its assistance with this case.

HUME